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OFFICE OF THE CITY MANAGER NO. LTC # 281-2012

LETTER TO COMMISSION FICE

Mayor Matti Herrera Bower and Members of the City Commission

FROM:

Kathie G. Brooks, Interim City Manager

DATE:

October 29, 2012

SUBJECT: MAXIMUS, Inc. Police Staffing Study Progress Update

The purpose of this Letter to Commission (LTC) is to provide the City of Miami Beach Commission an update on actions taken by the Miami Beach Police Department (MBPD) to implement the recommendations set forth in the MAXIMUS, Inc. Police Staffing Study. This study, initiated in August 2005 and completed in March of 2006, focused on personnel staffing, assignment levels, special details and off-duty employment.

On April 24, 2006, City Administration provided the Commission with LTC No. 119-2006 (attached), which provided an update on the implementation of recommendations from the MAXIMUS Study. This LTC will provide an update as to the progress of implementing recommendations resulting from the study since that date.

Background

The purpose of the study to determine the most effective personnel staffing levels and deployment, as well as to evaluate existing policies governing overtime, off-duty and secondary employment for the Miami Beach Police Department.

Since 2005, the City of Miami Beach and the MBPD have experienced their share of challenges, as well as organizational changes, which have affected the implementation of many of the recommendations provided through the MAXIMUS Study. Miami Beach continues to grow in popularity and in the sheer number of visitors. As a result, the number of visitors has a significant impact on City resources and how services are delivered to the community. This is particularly true for the MBPD, which has continued to focus on its mission of making our community safe for visitors, businesses and residents alike.

Since the completion of the MAXIMUS Study, the leadership of the MBPD has changed twice, with two (2) different Chiefs of Police leading the Department. In addition, the City has negotiated two (2) labor contracts with the Fraternal Order of Police (FOP). Throughout the labor negotiation process, several of the recommendations made in the MAXIMUS Study had been discussed, as they are subject to collective bargaining.

In November 2011, a renewed focus on the fundamentals of community policing, along with a need for comprehensive organizational reform, prompted changes to MBPD to foster greater accountability and more efficient and effective use of resources within the organization. As part of that process, the recommendations made by the MAXIMUS Study were revisited and reevaluated.

Conclusion

Attached, please find a status provided by the Police Department on the various recommendations made by Maximus for the Miami Beach Police Department. There are various secondary recommendations, which the Department has already implemented or is in the process of implementing at this time.

The MBPD has and will continue to implement recommendations made by this study when operationally and administratively feasible.

RAM/MNO/DM/MG

Attachment

Attachment

Status of the Recommendations made by Maximus for the Miami Beach Police Department

The following is a summary of the main recommendations made by the Maximum study and the actions taken to pursue implementation for each.

- 1. <u>Recommendation:</u> Change shift hour times in the Patrol Division and continue to use the four (4) day, ten (10) hour schedule, with the following changes to the shift times:
 - Midnight Shift

From 2300 hours (11:00 p.m.) to 0900 hours (9:00 a.m.) To 2100 hours (9:00 p.m.) to 0700 hours (7:00 a.m.)

Day Shift

From 0700 hours (7:00 a.m.) to 1700 hours (5:00 p.m.) To 0630 hours (6:30 a.m.) to 1630 hours (4:30 p.m.)

Afternoon Shift

From 1500 hours (3:00 p.m.) to 0100 hours (1:00 a.m.)
To 1600 hours (4:00 p.m.) to 0200 hours (2:00 a.m.)

Implementation Actions:

As of November 21, 2011, uniform patrol officers assigned to platoons in the Operations Division (formerly the Patrol Division) are working the following shifts 7 days week:

- Midnight Shift From 2200 hours (10:00 p.m.) to 0800 hours (8:00 a.m.)
- <u>Day Shift</u>
 From 0700 hours (7:00 a.m.) to 1700 hours (5:00 p.m.)
- Afternoon Shift
 From 1600 hours (4:00 p.m.) to 0200 (2:00 a.m.)

Shift hour modifications were made based on the MAXIMUS, Inc. recommendations, as well as the identified operational needs experienced by the Department. Modifications to the midnight shift and the afternoon shift were made in order to provide a four-hour overlap of Operations Division resources during peak hours, which are 10:00 p.m. to 2:00 a.m. During these peak hours, the type and number of calls for service in the entertainment and night life areas are the busiest.

2. <u>Recommendation:</u> Add a 4th shift to the Patrol Division providing for an overlap shift in the South District on Thursday, Friday, Saturday, and Sunday beginning 8pm to 6am.

Implementation Actions:

Although a 4th shift was added in 2005, which was staffed by Bike Patrol from 8pm to 6am, Thursday through Sunday, staffing the 4th shift became problematic, primarily due

to turnover in personnel (promotions and retirements). As a result, the 4th shift was discontinued in April 2010, and replaced with modified shifts, deployed in critical areas at peak times.

In November 2011, with the reorganization of the MBPD, the following sworn resources were re-allocated to the Patrol Unit:

- RDA and Walking Beats (Washington Avenue, 41st St. and 71st St.) 7 days a week
 - 4 beat officers from 5th to 17th St
 - 2 beat officers on 41st St.
 - 2 beat officers on 71st St, with overlap on Saturdays)
 - 1 Crime Suppression Team (1 Sergeant and 4 officers)

From 1100 hours (11:00 a.m.) to 2100 hours (9:00 p.m.)

- Middle Beach (Area 2) 7 days a week
 1 Squad (1 Sergeant and 6 officers)
 1 Crime Suppression Team (1 Sergeant and 4 officers)
 From 1400 hours (2:00 p.m.) to 0000 hours (midnight)
- North Beach (Area 3) 7 days a week
 2 Squads (1 Sergeant and 7 officers per squad)
 1 Crime Suppression Team (1 Sergeant and 4 officers)
 From 1400 hours (2:00 p.m.) to 0000 hours (midnight)

3. Recommendation: Specialty Details

<u>ATV – Beach Patrol</u>: Consider adding a second, overlapping shift to expand beach coverage from 5:00 p.m. to 1:00 a.m. Install a monitored camera and enhanced lighting system to monitor the beach and serve as a crime prevention tool.

Implementation Actions:

With the implementation of MBPD's Community Policing Plan, resources have been reallocated to provide for an ATV police officer, 24 hours a day, 7 days a week in the Entertainment District (Sector 3: 5th St to Lincoln Lane, Washington Avenue east). In addition, to ensure the safety of visitors to the beach, Patrol Officers are required to inspect the beach area at midnight and ensure that it is cleared of any beachgoers daily. Beach hours are currently being enforced with the installation of barricades to serve as beach access control gates. A more permanent solution is under consideration through the Fiscal Year (FY) 2012/2013 Capital Budget process. These gates will be installed throughout the City, which will visually indicate to visitors and residents that the beach is closed at midnight, and will serve as a deterrent to keep people off the beach during the midnight and early morning hours. This project includes the installation of gates in three (3) phases, with Phase I including 30 pedestrian crossings between 17th Street and the Jetty, as well as 12 vehicle crossing gates.

MBPD presented the concept of installing a closed circuit television (CCTV) pilot program in the Entertainment District at the July 25, 2012 Finance and Citywide Projects Committee Budget Workshop. In weighing the different requests from MBPD, the direction from the members of the Commission present at the meeting was to pursue the acquisition of a mobile command van in lieu of the CCTV system.

In addition, during the same meeting, the issue of additional lighting for the Entertainment District was discussed, with MBPD's use of portable lighting during Memorial Day Weekend 2012 touted as an example of a recent success.

Marine Patrol: Implement a more thorough system of tracking calls for service.

Implementation Actions:

Since the completion of the MAXIMUS Study, the Marine Patrol Squad (MPS) has been entering their calls for service in MBPD's Computer Aided Design (CAD) system. Workload measures are now tracked and reviewed by supervisors in order to ensure productivity of the squad. Below is a comparison of workload measures for the squad:

| | Calendar Year 2010 | Calendar Year 2011 |
|----------------------|--------------------|--------------------|
| Dispatched Calls | 61 | 448 |
| Self Initiated Calls | 1,059 | 5,753 |
| Vessel Stops | 311 | 2,323 |
| Vessel Citations | 52 | 1,386 |
| Felony Arrests | 1 | 10 |
| Misdemeanor Arrests | 4 | 70 |

The MPS has increased from two (2) police officers to four (4) police officers providing coverage seven (7) days a week. Moreover, a benchmark was established for Marine Patrol personnel to ensure that proactive patrol is conducted on the waterway a minimum of four (4) hours per shift in the winter and four to six (4-6) hours per shift during the summer months. MPS officers are required to complete a Daily Activity Log detailing all activities hour-by-hour.

In addition, as a result of a recent staff inspection of the MPS, officers are required to advise via the police radio whenever they take action, be it law enforcement or public safety interventions. Furthermore, the MPS Sergeant has been assigned to work Wednesdays, Thursdays, Fridays and Saturdays in order to provide supervisory oversight during peak days and times.

<u>Criminal Investigations Unit:</u> Schedule detectives to work five (5) eight and one half (8.5) hour shifts (includes lunch) with substantial weekend and evening coverage so that investigations can be pursued while evidence is still fresh and witnesses and victims are still readily available for interviews.

Add Public Safety Specialist positions as Investigative Aides to Property Crimes, Economic Crimes, and Auto Crimes. These civilians should be trained to support investigators by making telephone calls, checking computer files and conducting analysis to discover pattern crime and repeat offenders.

Implementation Actions:

The Captain supervising the Criminal Investigations Unit is currently working towards scheduling seven (7) day coverage for all sections, providing coverage by a detective on weekends at various hours based on the type of crime. Currently, there are two (2) detectives that are assigned weekend coverage from 7:30 a.m. to 5:30 p.m., and one (1) sergeant and two (2) robbery detectives from 2:00 p.m. to 12:00 a.m. on Saturday. In addition, the Violent Crimes/Homicide Section has one (1) detective from 7:30 a.m. to 5:30 p.m. working Saturday and Sunday. There are also two (2) Crime Suppression Detective Teams comprised of two (2) Sergeants and eight (8) detectives that provide investigative support on Saturdays.

There are currently two (2) dedicated crime analysts assigned to the Criminal Investigations Unit providing crime trends, intelligence and support to investigative personnel. As part of the FY 2012/13 budget process, MBPD is requesting the conversion of positions to fund three (3) additional Crime Analyst positions. In addition, Police officers on light duty are temporarily assigned to assist in this function.

4. Recommendation: Traffic Enforcement

Adopt a more strategic approach to traffic enforcement by establishing a traffic collision analysis function.

Implementation Actions:

There have been several initiatives in support of traffic collision analysis. These initiatives include the implementation of the Red Light Camera Photo Enforcement Program and the CLEAR Program, as well as the tracking of the top ten (10) traffic intersection for crashes in the City. MBPD's Accident Investigation Unit (AIU) tracks crash data in a database, which aids in the identification of high risk intersections.

In FY 2007/2008, the CLEAR Program (Clearing of Lanes, Easements, Alleyways, & Right of Ways) was developed in conjunction with the Parking Department. The program involved the Motorcycle Squad working with the Parking Department to enforce loading zones, blocking roadways and other violations where the flow of traffic is hindered.

As a result of the CLEAR Program, data compiled by the Motorcycle Squad demonstrates a high level of enforcement activity, which would serve as a deterrent factor for repeat offenders. The number of parking violations (enforcement of loading zones, etc) was significantly reduced from 2009 to 2010, signaling compliance by motorists.

| | 2009 2010 | | 2011 | |
|--------------------|-----------|-------|----------------|--|
| | | | (January-July) | |
| Moving Violations | 1,024 | 1,179 | 511 | |
| Parking Violations | 8,560 | 5,793 | 3,705 | |

This program was discontinued in the FY 2011/2012 budget as an approved service reduction. Due to this service reduction, police officers now address these issues when encountered on routine patrol. The lack of a coordinated effort has reduced the level of enforcement of these types of violations. In addition, the MBPD is in the process of researching the feasibility of implementing a software solution that records, tracks and analyzes crash data.

The Red Light Camera program currently has ten (10) red light cameras deployed at nine (9) intersections throughout the City. Since the implementation of the Red Light Camera Photo Enforcement program on April 15, 2010, crashes have declined at the intersections where the red light cameras are located. From FY 2009/2010 to FY 2010/2011, the number of crashes at the red light camera intersections declined from 59 to 49 – approximately a 17% decline.

5. Recommendation: Unanticipated Leave Policies

Re-institute a leave buy back policy as an incentive to address use of unanticipated leave that results in staffing shortages that have to be filled by officers on overtime.

Implementation Actions:

The establishment of a leave buy back provision for the MBPD is policy decision which would need to be discussed as part of the collective bargaining process. Reinstituting a leave buy back provision can be a costly endeavor for the City, especially if the buy back occurs at the end of a police officer's career, when leave hours are accrued in significant numbers.

Sick sell back provisions were included the 2006-2009 FOP Collective Bargaining Agreements, with no impact to unanticipated leave usage. The Sick Sell Back program was discontinued after September 30, 2009. In the 2009-2012 FOP Collective Bargaining Agreement, a sick sell back provision for pension was implemented as a means to minimize the use of unanticipated leave. The impact of this provision is still being assessed since this provision was recently implemented into the current FOP Collective Bargaining Agreement. In order to significantly impact the use of unanticipated leave, the City would need to negotiate a limit on the amount of discretionary leave that can be used by officers. The Department continues to further analyze and reevaluate the City's current sick leave policy; however, these provisions would need to be negotiated between labor and management during contract negotiations, and an assessment of the economic impact to the City would need to be conducted, especially during these lean economic times.

Place additional limitations on leave requests during the Department's busiest season.

Implementation Actions:

Currently, the MBPD limits leave requests to four (4) officers per shift year-round, with the exception of Memorial Day Weekend. During Memorial Day Weekend, sworn personnel are restricted from taking approved leave, and the entire Department scheduled to work Alpha/Bravo shifts (12 hour shifts). This is done to ensure public safety services remain at the current level of service for residents and businesses throughout the City during times when there is a high volume of visitors in the Entertainment District.

The use of compensatory time by officers is regulated by the Fair Labor Standards Act (FLSA). An employer may deny the request for compensatory time off only if to grant the time off would "unduly disrupt" the operations of the employer. Aside from Memorial Day Weekend, there is no other time where it is necessary, from an operational standpoint, to restrict approved leave. Case law on the use of compensatory time relative to the Fair Labor Standards Act finds that the fact that an employer may have to replace an employee using compensatory time off with another employee on an overtime basis is not a basis for denying a request for compensatory time off.

Under FLSA Section 207(o), an employee who has accrued compensatory time off "shall be permitted to use such time off" within a "reasonable period" after making the request. Moreover, there is significant conflict between court rulings as to what is deemed to be a "reasonable period", and as such, many times past practice or agreed upon thresholds as part of collective bargaining agreements.

Change the provision of calling in advance for time for vacation, floating holidays, and religious holidays from 24 hours in advance to 14 days in advance.

Implementation Actions:

It is anticipated that to change the threshold from 24 hours advance notice to take time off to 14 days advance notice, would increase the number of sick call-ins or emergency vacation resulting in a higher absentee rate. As a result, it was determined that requiring officers to provide 14 days advance notice would be detrimental to the overall operation of the MBPD. The department is currently assessing this policy to determine if there are other thresholds of advance notice that should be considered.

6. Recommendation: Fatigue factors

Restrict the total number of hours an officer is regularly scheduled to work per seven (7) day period to 64 hours with additional restrictions as follows:

- No off-duty work can be worked in the six (6) hours directly preceding an officer's shift starting time.
- Once an officer works 64 hours in a seven (7) day work period, the officer can work no additional "off-duty" hours, but may exceed 64 hours in order to complete the officer's on schedule or to work overtime assignments.

Consider regulations that permit police officers from other agencies to work offduty in Miami Beach, under the same rules as for Miami Beach Police Officers.

Implementation Actions:

The MBPD continues to evaluate changes to the current policy and procedure governing off-duty and outside employment. MBPD is researching the issues and problems associated with police officers working night clubs and establishments serving primarily alcohol, as well as researching how comparable jurisdictions are managing off-duty and outside employment.

This is an issue of particular interest to local business owners, especially in the Entertainment District. Changes to the off-duty and outside employment policies are issues that need to be discussed with a host of stakeholders, including the Commission, the local business community and the FOP, as it may represent a change in the level of service provided by MBPD to the business community.

Currently, requests for off duty police are received and managed by the MBPD Off Duty Office, which is responsible for coordinating all off duty jobs. When requests are made to this office, the expectation by the customer is that a Miami Beach Police Officer will fill the job. In the event that MBPD Officers are unable to fill the job, police officers from other police agencies in Miami Dade County, can currently work in an off-duty capacity in the City of Miami Beach.

7. Recommendation: Other Recommendations

Enhancing the patrol response staffing and scheduling to meet the following standards:

 District officers should handle 80%-90% of the calls for service in their assigned district.

- District officers should average no more than 50%-60% of their available time on calls for service during off-peak times.
- District officers should average no more than 70%-80% of their time on calls for service during peak call for service hours as long as the 70%-80% time commitment is no longer than four (4) hours in duration.

Implementation Actions:

With the recent implementation of the Community Policing Plan, MBPD is not yet able to determine quantitatively if police officers are meeting the standards of 80% to 90% of the calls for service handled in their respective areas, 50% to 60% of their available time on calls for service during off-peak times, or whether officers are spending 70% to 80% of their time on calls for service during peak hours. Limitations in capturing and analyzing data by specific sectors or readily accessing reports by Area and/or Section are specific issues being encountered by Command Staff relative to the New World/CAD-RMS system. The current configuration of the system would require an analysis of each call for service to determine if it was responded to by an officer assigned to that area, or it was responded to by an officer from another area or another sector. Although this can certainly be accomplished, it is a task that would require staffing resources and time.

However, based on anecdotal information and the limited data available, command and supervisory staff estimate that currently, most calls within an Area are being handled by the officers assigned to that Area. In addition, officers are assigned to proactive preventative patrol activities (i.e., park and walk, watch orders, neighborhood courtesy checks, etc.), which occupy a large percentage of the officers unobligated time (patrol time).

MBPD is currently working with IT to identify issues with New World in order to ensure that the system is corrected to aid in the identification of crime trends, as well as assist in the reporting of workload measures by area and sector.

Change current policy stating that seniority not be the sole determinant governing many of the policies of the Department.

Implementation Actions:

From a management perspective, scheduling shifts and work assignments based on factors other than seniority would give a great amount of flexibility to scheduling personnel for major events and shifts. However, based on the current Collective Bargaining Agreement with the FOP, provisions relative to assignments and scheduling based on seniority is very specific. Any changes to these provisions would be subject to collective bargaining, and this is an item which will be pursued as part of the next collective bargaining agreement.

Adopt a formal problem oriented policing methodology to identify and track the work of the personnel assigned to the RDA's.

Implementation Actions:

Based on the community Policing Plan, police personnel assigned to RDA have structured assignments consistent with police officers assigned to Sectors on Area platoons. They are held accountable for workload measures and enforcement statistics in their assigned Areas. RDA Lieutenants and Sergeants provide oversight and are responsible for their personnel performance evaluations. RDA Officers work closely with

business owners and engage in problem oriented policing on a regular basis. There is as much or more accountability for enforcement efforts in the RDA, as compared to personnel assigned to Sectors.

The following table reflects the enforcement actions and activities conducted by RDA personnel. The number of personnel assigned to the RDA varies from year to year.

| Year | Dispatched Calls for Service | Self-initiated Enforcement Actions | Felony Arrest | Misdemeanor Arrests | Moving Traffic Violations | Citizen Contacts |
|------|------------------------------|--|------------------|------------------------|---------------------------------|---------------------|
| 2008 | 14,905 | 10,954 | 164 | 795 | 2,782 | 14,141 |
| 2009 | 10,806 | 7,577 | 189 | 625 | 1,681 | 5,093 |
| 2010 | 12,327 | 9,008 | 163 | 837 | 2,848 | 2,400 |
| 2011 | 13,012 | 8,069 | 169 | 490 | 2,795 | 3,432 |

Consider using private security to fill various positions, such a finger printing citizens, issuing parking tickets to violators of handicap parking, guarding prisoners who are hospitalized and providing assistance on site to protect the integrity of the crime scenes.

Implementation Actions:

The City of Miami Beach contracts with a security company to provide uniformed unarmed security along the beachwallk, boardwalk and other locations in the City. They also provide security at barricades utilized to block traffic for major events occurring in the City. Currently, finger printing services for residents is conducted by civilian personnel in the MBD. Utilizing private security officers for issuing parking citations to handicap parking violators, guarding prisoners in hospitals or providing security at crime scenes is not a recommended practice, as these functions requires specialized training and certifications, as well as raise concerns from a liability standpoint. As has been the experience with using private security for other functions, ensuring a consistent level of service is a continuing challenge, as the City does not control the assignment or turnover of personnel.

In addition, the Parking Department has full-time Parking Enforcement Officers that enforce parking violations, and Clerks are assigned to the Records Management Section of MBPD provide finger print service.